

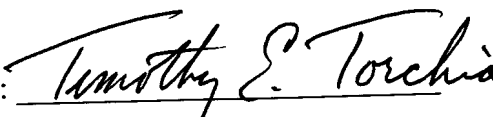
REMARKS

Applicant has amended the specification to indicate the current status of Applicant's cross-referenced related applications as indicated in the "NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)" filed herewith.

Applicant has amended the specification, as allowed under law, to insert the ATCC Designations and Dates of Deposit of deposited strains including the hybridoma producing MAb 10D8, mentioned on page 65 of the specification. The deposit information relating to MAb 10D8 was added to the table on page 43 (rather than at page 65) solely as a convenience to the reader. Thus, no new matter has been introduced by this amendment. The Examiner's attention is drawn to the attached copy of the Declaration with attached ATCC "RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2" as Exhibit A, which provides sufficient assurance that all deposits of hybridoma cell lines have been properly made and all conditions properly met, and which was originally submitted in the parent case USSN 08/226,162, on August 30, 1996. However, the deposits are not to be taken as evidence that the Applicant believes they are necessary to practice the invention.

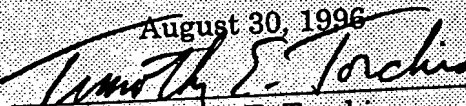
Respectfully submitted,
GENENTECH, INC.

Date: June 23, 1998

By: 
Timothy E. Torchia, Ph.D.
Reg. No. 36,700

1 DNA Way
So. San Francisco, CA 94080-4990
Phone: (650) 225-8674
Fax: (650) 952-9881

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	Group Art Unit: 1806
Berman et al.	Examiner: R. Budens
Serial No.: 08/226,162	<p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on</p>
Filed: April 11, 1994	<p>August 30, 1996  Timothy E. Torchia</p>
For: METHODS AND COMPOSITIONS FOR VACCINATION AGAINST HIV	

STATEMENT REGARDING DEPOSIT OF BIOLOGICAL MATERIAL
PURSUANT TO 37 C.F.R. §§ 1.804(b) AND 1.808(a)(2)

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

I hereby state that:

1. The hybridoma cell lines designated 13HB, 11G5, 10F6, 10D8, 6E10, and 5B3 were deposited with the American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD, USA under ATCC Accession Numbers CRL 10510, CRL 10511, CRL 10512, CRL 10513, CRL 10514, and CRL 10515 respectively, on July 26, 1990. This deposit was made under the provisions of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure and the Regulations thereunder (Budapest Treaty). A copy of the deposit receipt and viability statement for this deposited cell line is attached hereto as Exhibit A.

2. Evidence that permanent availability of the microorganism is assured is provided in the form of the attached copy of the contract with the above-mentioned depository with respect to the deposited cultures.

3. I affirm that should the microorganisms mutate, become nonviable or be inadvertently destroyed, applicants will replace such microorganisms for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, whichever period is longer.

4. That, with respect to availability of the cultures, I affirm that the deposit has been made under conditions of assurance that access to the cultures will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 CFR 1.14 and 35 USC 122.

5. The hybridoma cell lines deposited as ATCC Accession Numbers CRL 10510, CRL 10511, CRL 10512, CRL 10513, CRL 10514, and CRL 10515 on July 26, 1990 are the same as the 13HB, 11G5, 10F6, 10D8, 6E10, and 5B3 cell lines identified in the above application.

6. Subject to 37 C.F.R. §1.808(b), all restrictions on the availability to the public of all of the deposited cell lines referred to herein will be irrevocably removed upon the granting of a patent on the above application.

Respectfully submitted,
GENENTECH, INC.

By: 

Timothy E. Torchia
Reg. No. 36,700

Date: August 30, 1996

460 Pt. San Bruno Blvd.
So. San Francisco, CA 94080-4990
Phone: (415) 225-8674
Fax: (415) 952-9881